

## Title 200 - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

### CHAPTER 2 - Application for Reimbursement.

001 Application. An eligible responsible person or his or her designated representative may apply to the department, according to the procedure set out in this chapter, for reimbursement from the fund for the costs of remedial action and for the costs of paying third-party claims

002 Application Information. Information regarding applications for reimbursement shall be sent by the department to the responsible person or persons upon request.

003 Contents of Application. The completed application shall include, at a minimum, the following information:

003.01 The identity of the responsible person and the applicant;

003.02 A description of the applicant as a responsible person or designated representative;

003.03 The location of the release;

003.04 The tank facility registration number assigned by the Nebraska State Fire Marshal, if applicable, of the tank from which petroleum was released;

003.05 The motor fuel dealer or special fuel distributor tax number assigned by the Department of Revenue, if applicable;

003.06 A detailed description of all costs and documentation for all costs incurred and/or paid by the responsible person for the remedial action and/or third-party claim;

003.07 An acknowledgment that the responsible person will be responsible for reimbursing the fund for any partial reimbursement if the responsible person does not complete the remedial action as required by the rules and regulations of the department;

003.08 A designated representative statement, if applicable, signed by the responsible person and properly notarized;

003.09 A verification, signed by the applicant and properly notarized, attesting that the information contained in the application is true and accurate; and

003.10 An acknowledgement that the recipient's accounting records related to the cost submitted may be audited by the Department, as set forth in Chapter 3, 006, and that, if such records are not provided, the recipient may be required to reimburse the fund for any payments previously received.

### 004 Submission and Order of Applications.

004.01 The responsible person shall submit a completed application for reimbursement to the department. An application is incomplete if it does not contain all the information required by the department.

004.01A The department shall notify the applicant in the event it deems an

application incomplete, stating what additional information the responsible person must provide.

004.01A1 An application shall be considered received by the department as of the time it is considered complete by the department.

004.02 At the time the department determines that the applications are complete, the applications will be date and time stamped, and a record of order will be maintained.

004.03 If the department approves reimbursements in excess of the amount in the fund, the department shall make reimbursements in the order in which the complete applications were stamped according to 004.02 of this chapter.

005 Application for Partial Reimbursement. A responsible person may apply for partial reimbursement of the actual cost of remedial action incurred.

005.01 A responsible person applying for partial reimbursement shall acknowledge with such application that if the responsible person receives partial reimbursement but does not complete the remedial action as required by the rules and regulations of the department, the responsible person shall reimburse the fund for an amount equal to the reimbursement received from the fund.

005.02 Applications for partial reimbursement may be made following completion and department acceptance of approved stages of remedial action and associated cost estimates.

005.03 If any approved stage of remedial action is projected to take more than ninety days to complete, partial payments may be requested every sixty days. When reimbursement is requested prior to completion of an approved stage, the Department may withhold 10% of such payment until the approved stage is completed.

006 Designated Representative. A designated representative may submit an application for reimbursement under this chapter of the regulations.

007 Timely Submittal. An application for reimbursement shall be filed in a timely manner following the completion of each approved stage of remedial action. However, no application is required until the cumulative costs of the remedial stages approved by the department exceed the applicable deductible.

007.01 Complete applications shall be submitted to the department on or before June 11, 1998, where costs were incurred:

007.01A After May 27, 1989 and on or before June 11, 1997;

007.01B During the completion of approved stages of remedial action; and

007.01C In amounts exceeding the applicable deductible.

007.02 Complete applications shall be submitted to the department within six months of the compliance date established by the department when the remedial stage is approved; in the event of tank closure, the compliance date shall be the deadline established by the State Fire Marshal for submittal of the closure assessment report. Such costs must be incurred:

007.02A After June 11, 1997;

007.02B During the completion of approved stages of remedial action; and

007.02C In amounts exceeding the applicable deductible.

007.03 Applications submitted to the department subsequent to the time limits established in 007.01 and 007.02 of this chapter will be subject to reimbursement reduction or denial according to chapter 3, 005. However, applicants who submit an incomplete application within the time limits set forth in 007.01 and 007.02 of this chapter and who subsequently resubmit an amended application with all deficiencies corrected within thirty (30) days of written notification by the department of such deficiencies shall not be subject to reimbursement reductions under this section.

Enabling Legislation: Neb. Rev. Stat. §66-1518 (Supp. 1999)

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